

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 51

January 26, 1995, 4:38 p.m.
Page S-1591 Temp. Record

UNFUNDED MANDATES/Social Security & BBA Implementing Legislation

SUBJECT: Unfunded Mandate Reform Act of 1995 . . . S. 1. Kempthorne perfecting amendment No. 196 to the Harkin amendment No. 190.

ACTION: AMENDMENT AGREED TO, 83-16

SYNOPSIS: Pertinent votes on this legislation include Nos. 15-41, 43-45, 47-50, and 52-61.

As reported by the Governmental Affairs Committee and the Budget Committee, S. 1, the Unfunded Mandate Reform Act of 1995, will create 2 majority (51-vote) points of order in the Senate. The first will lie against the consideration of a bill or joint resolution reported by an authorizing committee if it contains mandates and if Congressional Budget Office (CBO) cost estimates on those mandates are unavailable. The second point of order will lie against the consideration of a bill, joint resolution, motion, amendment, or conference report that will cause the total cost of unfunded intergovernmental mandates in the legislation to exceed \$50 million.

The Harkin amendment would express the sense of the Senate that "any joint resolution providing for a balanced budget amendment to the United States Constitution passed by the Senate shall specifically exclude social security from the calculations used to determine if the Federal Budget is in balance." The amendment would also make 13 findings on the Social Security program, including that it is a contributory program.

The Kempthorne perfecting amendment to the Harkin amendment would strike the provisions of the Harkin amendment and would insert that it is the sense of the Senate that "any legislation required to implement a balanced budget amendment to the United States Constitution shall specifically prevent social security benefits from being reduced or social security taxes from being increased to meet the balanced budget requirement." The amendment would also make 11 findings on the Social Security program, including that it is financed through payroll taxes and that Social Security beneficiaries deserve to be reassured that their benefits will not be subject to cuts and their social security payroll taxes will not be increased as a result of legislation to implement a balanced budget amendment to the United States Constitution.

NOTE: The Senate earlier failed to table the Kempthorne amendment (see vote No 50). Following this vote, an attempt to further

(See other side)

YEAS (83)				NAYS (16)		NOT VOTING (1)	
Republican (48 or 91%)		Democrats (35 or 76%)		Republicans (5 or 9%)	Democrats (11 or 24%)	Republicans (0)	Democrats (1)
Abraham	Hutchison	Akaka	Heflin	Chafee	Byrd		Ford- ²
Ashcroft	Inhofe	Baucus	Hollings	Hatfield	Dodd		
Bennett	Kassebaum	Biden	Inouye	Jeffords	Exon		
Bond	Kempthorne	Bingaman	Johnston	Packwood	Graham		
Brown	Kyl	Boxer	Kennedy	Simpson	Kerrey		
Burns	Lott	Bradley	Kerry		Lautenberg		
Coats	Lugar	Breaux	Kohl		Moynihan		
Cochran	Mack	Bryan	Leahy		Nunn		
Cohen	McCain	Bumpers	Levin		Robb		
Coverdell	McConnell	Campbell	Lieberman		Rockefeller		
Craig	Murkowski	Conrad	Mikulski		Sarbanes		
D'Amato	Nickles	Daschle	Moseley-Braun				
DeWine	Pressler	Dorgan	Murray				
Dole	Roth	Feingold	Pell				
Domenici	Santorum	Feinstein	Pryor				
Faircloth	Shelby	Glenn	Reid				
Frist	Smith	Harkin	Simon				
Gorton	Snowe		Wellstone				
Gramm	Specter						
Grams	Stevens						
Grassley	Thomas						
Gregg	Thompson						
Hatch	Thurmond						
Helms	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

amend the underlying Harkin amendment was tabled, and the Harkin amendment, as amended by the Kempthorne amendment, was adopted by voice vote.

No arguments were expressed in favor of the amendment after the vote to table and before the vote on its adoption.

Those opposing the amendment contended:

Most Senators who are voting against the Kempthorne amendment are doing so because they favor the Harkin amendment in its stead. We, however, are on the opposite extreme. In our opinion, the Kempthorne amendment is bad, and the Harkin amendment is horrible. We voted against the motion to table the Kempthorne amendment on the previous vote (vote No. 50) solely because we wanted to make sure that the bad amendment would wipe out the horrible amendment. On this vote, which is up-or-down, we have the luxury of voting against it because we know that the amendment is certain to pass--many Senators may dare vote to table an amendment expressing support for the Social Security program, but fewer than many will ever dare vote that way on an up-or-down vote. On the next vote, we will be happy to vote to table the Harkin amendment, which would restore the original horrible language of the underlying amendment if it were allowed to pass.

Our concern with both of these amendments is that in our eagerness to prove our fealty to the Social Security System we may actually be damaging it. Social Security has serious problems coming--internal deficits will begin in the year 2013, and the program will be totally insolvent by 2029. We intend to face those problems head on. We are not about to tie our hands by passing an amendment that says we think any balanced budget constitutional amendment should expressly keep Social Security off-budget, nor are we about to enact a milder statement saying that Social Security taxes and benefits should not be changed by implementing language for a balanced budget amendment. We have no way of knowing that Social Security will be best served under either circumstance. If, after looking at ways to save this system from its looming insolvency, we determine that our best chance of saving it is to keep it on-budget, we do not want a constitutional amendment in place prohibiting us from acting. By the same reasoning, we do not want implementing legislation impeding our way either.

The danger posed by the Harkin amendment, which favors a constitutional change, is obviously more dangerous than the danger posed by the Kempthorne amendment. However, secure in the knowledge that the Kempthorne amendment will pass overwhelmingly and wipe out the Harkin amendment, we will now vote against it to show more clearly our views.